

STATE OF NEW YORK
SUPREME COURT : COUNTY OF NIAGARA

HW 3 ROE, Being a Victim of Child Sexual Abuse,

Plaintiff,

v.

PAUL HENRY REGDOS
893 Birdsey Road
Waterloo, New York 13465,

Defendant.

SUMMONS

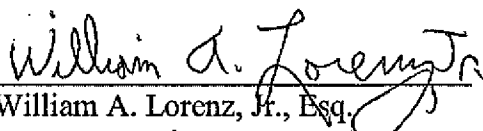
Index No.:

TO THE ABOVE-NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action, and to serve a copy of your Answer or, if the Complaint is not served with a Summons, to serve a Notice of Appearance, on Plaintiff's attorney within **twenty (20)** days after the service of this Summons, exclusive of the day of service, or within **thirty (30)** days after completion of service where service is made in any other manner than by personal delivery within the State. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

This action is brought in NIAGARA COUNTY based upon the location of the incidents alleged herein.

DATED: August 13, 2019
Amherst, New York


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STATE OF NEW YORK
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COMPLAINT

Index No.:

Plaintiff HW 3 ROE, Being a Victim of Child Sexual Abuse, by and through her attorneys, HOGANWILLIG, PLLC, as and for her Verified Complaint against Defendant PAUL HENRY REGDOS, herein alleges as follows:

1. At all times hereinafter mentioned, Plaintiff was and still is a resident of the County of Niagara, and State of New York.
2. Upon information and belief, and at all times hereinafter mentioned, Defendant was and is a resident of the County of Seneca, State of New York who, during the time period of the incidents alleged herein, resided in the County of Niagara, State of New York, specifically at 121 Zimmerman Street, North Tonawanda, New York 14120.
3. Defendant is the biological father of Plaintiff.
4. Plaintiff is filing under a pseudonym publicly, but their identity can be confidentially disclosed to Defendant in discovery not to be filed publicly.

FACTS COMMON TO ALL CLAIMS

5. Plaintiff and Defendant lived together at 121 Zimmerman Street, North Tonawanda, New York in the 1980s into approximately 1991.

6. Beginning in approximately 1983, when Plaintiff was approximately five (5) years old, Plaintiff was the victim of sexual harassment, sexual abuse, and violence by or at the direction of Defendant.

7. The incidents experienced by then-infant Plaintiff over a period of eight (8) years included, but are not limited to, the following:

- a. On multiple occasions, Defendant forcibly raped then-infant Plaintiff throughout their home, including but not limited to Defendant's bedroom, Plaintiff's bedroom, the living room, the bathroom, Defendant's office, and the garage.
- b. On multiple occasions, Defendant forcibly sodomized then-infant Plaintiff throughout their home, including but not limited to Defendant's bedroom, Plaintiff's bedroom, the living room, the bathroom, Defendant's office, and the garage.
- c. On multiple occasions, Defendant both exposed then-infant Plaintiff to pornography and photographed then-infant Plaintiff naked for use as pornography.

8. Then-infant Plaintiff was forced to endure said abuse until Defendant was arrested by the North Tonawanda City Police Department on or about June 27, 1991.

9. Upon information and belief, Defendant was convicted on September 18, 1991 of Attempted Sodomy in the First Degree, in violation of Penal Law 130.50, and Attempted Rape in the First Degree, in violation of Penal Law 130.35.

10. Upon information and belief, Defendant served approximately twenty (20) years in prison including at Auburn Correctional Facility in Cayuga County, New York, and was released on or about September 16, 2011.

11. Upon information and belief, Defendant is currently listed as a Risk Level 3 Sexually Violent Offender with the New York State Division of Criminal Justice Services.

12. Venue is proper in Niagara County based upon the location of the incidents alleged herein.

13. This action is brought pursuant to CPLR § 214-G, as added by the New York Child Victims Act, which has revived claims of child sexual abuse for a period of one year beginning on August 14, 2019, six months after the effective date of the section (February 14, 2019). This action is timely commenced.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANT:
ASSAULT

14. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs "1" through "13" as though more fully set forth herein.

15. Defendant's actions in sexually abusing his biological daughter, then-infant Plaintiff, over a period of approximately eight (8) years placed Plaintiff in constant apprehension of imminent harmful and offensive bodily contact.

16. That the aforesaid assaults were unwarranted, unjustified, and unprovoked by Plaintiff and without her consent, as Plaintiff did not and could not give consent as an infant.

17. By reason of the foregoing, Plaintiff sustained injuries and damages, with accompanying pain and suffering and was greatly injured emotionally and mentally, and was subject to humiliation and embarrassment, all to her damage in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANT:
BATTERY

18. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs "1" through "17" as though more fully set forth herein.

19. Defendant's actions in sexually abusing his biological daughter, then-infant Plaintiff, over a period of approximately eight (8) years, constitutes Defendant intentionally making offensive bodily contact with Plaintiff.

20. That the aforesaid offensive bodily contact was unwarranted, unjustified, and unprovoked by Plaintiff and without her consent, as Plaintiff did not and could not give consent as an infant.

21. By reason of the foregoing, Plaintiff sustained injuries and damages, with accompanying pain and suffering and was greatly injured emotionally and mentally, and was subject to humiliation and embarrassment, all to her damage in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST DEFENDANT:
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

22. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs "1" through "21" as though more fully set forth herein.

23. Defendant intentionally and recklessly touched Plaintiff on the aforementioned occasions over a period of eight (8) years, including vaginal and anal penetration.

24. Defendant's conduct in repeatedly sexually abusing his biological daughter, then-infant Plaintiff, was extreme, outrageous, shocking, and exceeding all reasonable bounds of decency.

25. That the aforesaid conduct was done with the intention of causing Plaintiff severe emotional distress.

26. By reason of the foregoing, Plaintiff sustained injuries and damages, with accompanying pain and suffering and was greatly injured emotionally and mentally, and was subject to humiliation and embarrassment, all to her damage in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A FOURTH CAUSE OF ACTION AGAINST DEFENDANT:
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

27. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs "1" through "26" as though more fully set forth herein.

28. Defendant owed a duty to Plaintiff, as her biological father, to reasonably protect her from harm and not sexually abuse her.

29. Defendant intentionally and recklessly breached that duty by touching Plaintiff on the aforementioned occasions over a period of eight (8) years, including by vaginal and anal penetration.

30. Defendant's conduct in repeatedly sexually abusing his biological daughter, then-infant Plaintiff, unreasonably endangered Plaintiff's physical safety and caused Plaintiff to fear for her own safety over the period of abuse lasting approximately eight (8) years.

31. Plaintiff suffered several emotional and mental suffering and distress due to Defendant's actions, as well as fear for her own physical safety.

32. By reason of the foregoing, Plaintiff sustained injuries and damages, with accompanying pain and suffering and was greatly injured emotionally and mentally, and was subject to humiliation and embarrassment, all to her damage in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A FIFTH CAUSE OF ACTION AGAINST DEFENDANT:
PUNITIVE DAMAGES

33. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs "1" through "32" as though more fully set forth herein.

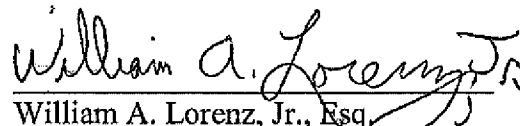
34. Defendant's actions in being violent, sexually harassing, and/or committing other misconduct against Plaintiff is tantamount to a wanton and conscious disregard for the safety of Plaintiff, and warrants the imposition of punitive damages.

35. By reason of the malicious, intentional, willful, and/or negligent conduct of Defendant herein, and by such other acts that were morally reprehensible, Defendant's conduct evidenced a callous disregard for the safety of Plaintiff, and said acts constituted a wanton, reckless and/or malicious disregard for the rights of others and, as a result thereof, Plaintiff demands punitive damages.

36. By reason of the foregoing, Plaintiff has been damaged in an amount exceeding the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against Defendants in an amount which exceeds the jurisdictional limits of all other courts which might otherwise have jurisdiction, and for such other and further relief to Plaintiff as this Court deems just and proper.

DATED: August 13, 2019
Amherst, New York


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